

CLOSED

**U.S. District Court [LIVE]
Western District of Texas (Austin)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00555-SH All Defendants**

Case title: USA v. Mehaffey

Date Filed: 07/12/2021

Other court case number: 2:20-cr-626-DWL District of
Arizona, Phoenix Division

Assigned to: Judge Susan
Hightower

Defendant (1)

Brannen Sage Mehaffey

represented by **Horatio R. Aldredge**

Federal Public Defenders' Office
Lavaca Plaza
504 Lavaca St., Ste 960
Austin, TX 78701
(512)916-5025
Fax: 512/916-5035
Email: Horatio_Aldredge@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or Community
Defender Appointment*

Duty Pub. Defender-Austin

Office of the Federal Public Defender
Austin Division
500 Lavaca St., Suite 960
Austin, TX 78701
(512) 916-5025
Fax: (512) 916-5035
Email: norma_g_medrano@fd.org

TERMINATED: 07/12/2021

ATTORNEY TO BE NOTICED

*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

**Highest Offense Level
(Opening)**

None

Terminated Counts**Disposition**

None

**Highest Offense Level
(Terminated)**

None

Complaints**Disposition**

Petition to Revoke Pretrial
Release – District of Arizona,
Phoenix Division

Plaintiff

USA

represented by **Gabriel Aaron Cohen**
U.S. Attorney's Office
Austin Office
903 San Jacinto Blvd., Suite 334
Austin, TX 78701
512-370-1246
Fax: 512-916-5854
Email: gabriel.cohen@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
07/12/2021	<u>1</u>	4	Arrest (Rule 5/Rule 32.1) of Brannen Sage Mehaffey. (kkc) (Entered: 07/12/2021)
07/12/2021	<u>2</u>	8	Minute Entry for proceedings held before Judge Susan Hightower:Initial Appearance in Rule 5(c)(3)/ Rule 32.1 Proceedings as to Brannen Sage Mehaffey held on 7/12/2021 (Minute entry documents are not available electronically.) (Court Reporter FTR Gold – ERO.) (afd) (Entered: 07/12/2021)
07/12/2021	<u>3</u>	9	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Brannen Sage Mehaffey Duty Pub. Defender–Austin for Brannen Sage Mehaffey appointed.. Signed by Judge Susan Hightower. (afd) (Entered: 07/12/2021)
07/12/2021	<u>4</u>	10	Order Regarding Financial Status as to Brannen Sage Mehaffey. Signed by Judge Susan Hightower. (afd) (Entered: 07/12/2021)
07/12/2021	<u>5</u>	11	ORDER OF TEMPORARY DETENTION: as to Brannen Sage Mehaffey Detention and Bond Hearing set for 7/15/2021 10:00 AM before Judge Susan Hightower. Signed by Judge Susan Hightower. (afd) (Entered: 07/12/2021)
07/12/2021	<u>6</u>	13	NOTICE OF ATTORNEY APPEARANCE: Horatio R. Aldredge appearing for Brannen Sage Mehaffey . Attorney Horatio R. Aldredge added to party Brannen Sage Mehaffey(pty:dft) (Aldredge, Horatio) (Entered: 07/12/2021)

07/15/2021	<u>7</u>	14	Minute Entry for proceedings held before Judge Susan Hightower: Bond Revocation Hearing as to Brannen Sage Mehaffey held on 7/15/2021. (Minute entry documents are not available electronically.), Detention Hearing as to Brannen Sage Mehaffey held on 7/15/2021 (Minute entry documents are not available electronically.) (Court Reporter ZOOM Recording.) (afd) (Entered: 07/15/2021)
07/15/2021		15	ORAL WAIVER of Detention/Bond Revocation Hearing by Brannen Sage Mehaffey (afd) (Entered: 07/15/2021)
07/15/2021	<u>8</u>	16	COMMITMENT TO ANOTHER DISTRICT as to Brannen Sage Mehaffey. Defendant committed to District of DIstrict of Arizona, Phoenix Division.. Signed by Judge Susan Hightower. (afd) (Entered: 07/15/2021)

**United States District Court
for
District of Arizona**

FILED

July 12, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: kkc
DEPUTY

U. S. A. vs. Brannen Sage Mehaffey
Docket No. CR-20-00626-001-DWL
AUSA: Gary Michael Restaino
Defense Attorney: Arnold Augur Spencer

Austin Docket No.: 1:21-mj-555-SH

PETITION FOR ACTION ON CONDITIONS OF PRETRIAL RELEASE

COMES NOW **MATTHEW M. SZMYTKE**, PRETRIAL SERVICES OFFICER, of the Court presenting an official report upon the conduct and attitude of releasee: Brannen Sage Mehaffey, who was released by the Honorable Deborah M. Fine sitting in the Court at Phoenix, on the 16th day of December, 2020, who imposed the general terms and conditions of bail release adopted by the Court and also imposed special conditions as follows:

PLEASE REFER TO THE ORDER SETTING CONDITIONS OF RELEASE

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

ALLEGED VIOLATION:

Defendant must not use alcohol at all.

On July 9, 2021, the defendant contacted his supervising officer in the Western District of Texas and admitted to consuming alcohol "hourly" since he was placed in the Location Monitoring Program, which was June 14, 2021 in the Western District of Texas.

AFFIDAVIT AND PETITION PRAYING THAT THE COURT WILL ORDER A WARRANT BE ISSUED.

In conformance with the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Based on the information presented that the defendant has violated conditions of release, I am petitioning the Court to issue a warrant.



Matthew M. Szmytke
Intensive Supervision Specialist

July 9, 2021

Date

Page 2

RE: Brannen Sage Mehaffey

July 9, 2021

Reviewed by



Gilbert Lara
Supervisory U.S. Pretrial Services Officer

July 9, 2021

Date

ORDER OF COURT

I find there is probable cause to believe the defendant has violated conditions of release, supported by the above affirmation given under penalty of perjury. The Court orders the issuance of a warrant. Considered and ordered this 9 day of July, 2021, and ordered filed and made a part of the records in the above case.



The Honorable MICHELLE H. BURNS
U.S. Magistrate Judge

(Rev. 02/13)

UNITED STATES DISTRICT COURT**FOR THE DISTRICT OF ARIZONA**

United States of America,

v.

Brannen Sage Mehaffey

WARRANT FOR ARREST

CASE NUMBER: 2:20CR626-DWL-001

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Brannen Sage Mehaffey and bring him forthwith to the nearest magistrate to answer a Pretrial Services Violation Petition charging him with 18 U.S.C. 956(a)(3)(B)-(C) and (c)(4)(A)(i) and (B) - Money Laundering; 18 U.S.C. 1956(a)(3)(B)-(C) and (c)(4)(A)(i) - Money Laundering; and 31 USC 5324(a)(1), (3) and (d)(2), 18:2(b), and 31 C.F.R. 103.11(gg) -Structuring Financial Transactions.

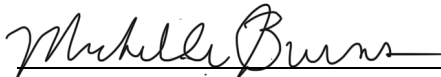
VIOLATION OF RELEASE CONDITIONS

Michelle H. Burns

Name of Issuing Officer

United States Magistrate Judge

Title of Issuing Officer



Signature of Issuing Officer

July 9, 2021 at Phoenix, Arizona

Date and Location

(By) Deputy Clerk

Bail fixed at \$ No Bail

RETURN

This warrant was received and executed with the arrest of the above-named defendant at:

Date Received

Name and Title of Arresting Officer

Signature of Arresting Officer

Date of Arrest		
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

United States of America

Criminal No.: **AU:21-M -00555(1)**

v.

Date Appeared: July 12, 2021

(1) Brannen Sage Mehaffey

Time: -0- entered in 1:21-CR-115-RP

Defendant

**INITIAL APPEARANCE ON PETITION TO
REVOKE BOND - District of Arizona, Phoenix Division**

1. Petition Filed July 9, 2021 Warrant Issued: July 9, 2021
Date Date

Arrested July 12, 2021 Agency: USMS
Date Agency

2. COURT PERSONNEL:

U.S. Magistrate Judge: SUSAN HIGHTOWER
Courtroom Deputy: James Ferrell
Court Reporter: FTR Gold - ERO
Interpreter: N/A

3. APPEARANCES:

AUSA: N/A
DEFT: _____

4. PROCEEDINGS:

a.	Age _____ Education _____	Gender	<u>Male</u>
b.	Defendant understands proceedings and is mentally competent.		<u>Y</u>
c.	Defendant is informed of constitutional rights.		<u>Y</u>
d.	Defendant understands charges.		<u>Y</u>
e.	Defendant informed of right to legal counsel.		<u>Y</u>

_____ 1) Defendant waives counsel.
_____ 2) Defendant intends to retain counsel.
_____ 3) Defendant has retained counsel:

Phone No.: _____

X 4) Defendant requests appointment of counsel.

X Defendant HAS NOT completed the CJA23 financial affidavit.
X Court will appoint counsel in the interest of justice based on defendant's verbal
accounting of his current financial status.

_____ Defendant HAS completed the CJA23 financial affidavit and the Court will appoint counsel
because:

_____ The defendant is indigent at this time.
_____ Even though the defendant is not indigent, counsel will be appointed in the interests
of justice.

_____ The Court finds that the defendant is NOT eligible and denies request.

f. Detention / Bond Revocation Hearing set for Thursday, July 15 at 10am before Judge Hightower

5. OTHER: Identity Hearing orally waived.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

United States of America

vs.

(1) Brannen Sage Mehaffey

§
§
§
§
§

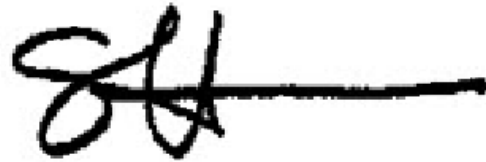
NO: AU:21-M -00555(1)

ORDER APPOINTING FEDERAL PUBLIC DEFENDER

Consistent with the Court's Order Regarding Financial Status in this case, the Federal Public Defender is hereby **APPOINTED** to represent the defendant.

Should this case proceed before a United States District Judge, the appointment shall remain in effect until terminated or a substitute attorney is appointed.

SIGNED this 12th day of July, 2021.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

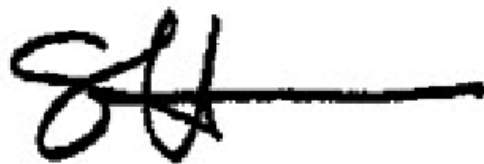
United States of America	§	
	§	
vs.	§	NO: AU:21-M -00555(1)
	§	
(1) Brannen Sage Mehaffey	§	

ORDER REGARDING FINANCIAL STATUS

The defendant appeared in this Court this day and asked the Court to appoint counsel. Because the defendant has testified under oath or otherwise satisfied the Court after appropriate inquiry that the defendant (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the Court has appointed counsel to represent the defendant in this case.

The defendant is advised that he may be required to reimburse the Government for the costs of appointed counsel on completion of the case. IT IS THEREFORE ORDERED that on any finding of guilt as to these current charges, the U.S. Probation Office is instructed to make financial inquiries of the defendant to determine if the defendant can repay the costs of court-appointed counsel. The U.S. Probation Office shall report its findings to the judicial officer assigned to the case before any sentencing.

SIGNED on July 12, 2021.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

United States of America

v.

Case Number: AU:21-M -00555(1)

(1) Brannen Sage Mehaffey
Defendant

Dear Sir or Madam:

TAKE NOTICE that the above-entitled case has been set before:

UNITED STATES MAGISTRATE JUDGE SUSAN HIGHTOWER,

at the **U.S. Courthouse, 501 West Fifth Street Austin, Texas Courtroom #6**, for the following:

DETENTION / BOND REVOCATION HEARING

on **Thursday, July 15, 2021 at 10:00 AM**

EVERYONE to whom this notice is addressed (except those to whom copies are sent for information only) must appear IN PERSON unless excused from appearing by the Court.

ATTORNEYS are reminded that it is their duty to advise clients, witnesses, and others concerning rules of decorum to be observed in Court. (Local Court Rule AT-5(b)(12)).

WHENEVER defendants or witnesses in a criminal case have need for the services of a court interpreter, the attorney must inform the U.S. District Clerk not later than five (5) business days before the scheduled Court proceeding.

If defendant chooses to waive hearing, a written waiver (see attached) must be signed by defendant and counsel and filed by 4:00 p.m. THE DAY BEFORE before scheduled hearing.

Date Issued: July 12, 2021

(1) Brannen Sage Mehaffey

Attorney at Law

/s/

James Ferrell
Magistrate Courtroom Deputy
(512) 916-5896 Ext. 8720

cc: U.S. Probation
U.S. Pretrial Services
U.S. Clerk
U.S. Attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

United States of America

v.

NO: AU:21-M -00555(1)

(1) Brannen Sage Mehaffey

Charging District's Case No.: 2:20-CR-626-DWL

Waiver of Rule 32.1 Hearing
(Violation of Probation or Supervised Release)

I understand that I have been charged with violating the conditions or probation or supervised release in a case pending in another district, the District of Arizona, Phoenix Division.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of certified copies of the judgment, warrant, and warrant application, or reliable electronic copies of them if the violation is alleged to have occurred in another district;
- (4) a preliminary hearing to determine whether there is probable cause to believe a violation occurred if I will be held in custody, and my right to have this hearing in this district if the violation is alleged to have occurred in this district; and
- (5) a hearing on the government's motion for my detention in which I have the burden to establish my eligibility for release from custody.

I agree to waive my right(s) to:

- () an identity hearing and production of the judgment, warrant and warrant application.
- () a preliminary hearing.
- () a detention hearing.
- () an identity hearing, production of the judgment, warrant and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

(1) Brannen Sage Mehaffey, *Defendant*

Date

Counsel for Defendant

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	CAUSE NO. AU:21-M-555(1)
	§	
BRANNEN SAGE MEHAFFEY	§	

NOTICE OF ATTORNEY APPEARANCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Horatio R. Aldredge, Assistant Federal Public Defender and enters appearance as counsel for the defendant in the above-styled and numbered cause.

Respectfully submitted.

MAUREEN SCOTT FRANCO
Federal Public Defender

/s/ HORATIO R. ALDREDGE
Supervisory Assistant Federal Public Defender
Western District of Texas
Lavaca Plaza
504 Lavaca St., Ste. 960
Austin, Texas 78701
(512) 916-5025 / (512) 916-5035 (FAX)
Bar Number: Texas 00795216

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of July, 2021, I filed the foregoing Notice of Attorney Appearance using the CM/ECF system which will give electronic notification to the following:

Gabriel A. Cohen
Assistant U.S. Attorney
903 San Jacinto Blvd., Ste. 334
Austin, TX 78701

/s/ HORATIO R. ALDREDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DETENTION / BOND REVOCATION HEARING BY VIDEO

CASE NO. <u>AU:21-M -00555(1)</u>	LOCATION: <u>AUSTIN, TEXAS</u>
DEFENDANT: <u>(1) Brannen Sage Mehaffey</u>	ATTORNEY: <u>Arnold Spencer</u>
MAGISTRATE JUDGE: <u>SUSAN HIGHTOWER</u>	AUSA: <u>Gabriel Aaron Cohen</u>
COURTROOM DEPUTY: <u>James Ferrell</u>	INTERPRETER: <u>N/A</u>
COURT REPORTER: <u>Zoom</u>	PRETRIAL OFFICER: <u>N/A</u>
CSO: <u>N/A</u>	TIME: <u>10:07 - 10:09 AM (2 minutes)</u>
HEARING DATE: <u>July 15, 2021</u>	

PROCEEDINGS

-
- ☐ WAIVER OF PRELIMINARY HEARING FILED
- ☐ WAIVER OF ARRAIGNMENT HEARING FILED
- ☐ WAIVER OF DETENTION HEARING FILED
- ☐ PRELIMINARY / ARRAIGNMENT / DETENTION HEARING HELD
- ☐ DEFENDANT SWORN
- ☐ COURT READ CHARGES TO DEFENDANT; DEFENDANT PLED NOT GUILTY
- ☐ COURT FINDS PROBABLE CAUSE EXISTS TO PRESENT CASE TO GRAND JURY FOR INDICTMENT
- ☐ WITNESS SWORN AND TESTIFIED
- ☐ EXHIBITS OFFERED AND ADMITTED
- ☐ ARGUMENT OF COUNSEL HEARD
- ☐ MOTION FOR DETENTION IS GRANTED / WITHDRAWN / DENIED
- ☐ COURT FINDS DEFENDANT (WILL / WILL NOT) BE RELEASED ON BOND CONDITIONS
- ☐ CONDITIONS REVIEWED WITH DEFENDANT WHO ACKNOWLEDGED UNDERSTANDING & SIGNED NAME
- ☒ HEARING CONCLUDED
- ☒ WRITTEN ORDER TO FOLLOW

OTHER: Oral consent by all parties to proceed by videoconference. Defense counsel orally waives all proceedings set for today. Court accepts and orders defendant's transport by USMS to the District of Arizona, Phoenix Division.

MIME-Version:1.0
From:TXW_USDC_Notice@txwd.uscourts.gov
To:cmecf_notices@txwd.uscourts.gov
Bcc:
--Case Participants: Horatio R. Aldredge (elizabeth_khan@fd.org, horatio_alldredge@fd.org, txwau_ecf@fd.org), Gabriel Aaron Cohen (gabriel.cohen@usdoj.gov, lhoffman@usa.doj.gov, usatxw.ecfau@usdoj.gov), Duty Pub. Defender-Austin (elizabeth_khan@fd.org, txwau_ecf@fd.org), Judge Susan Hightower (susan_hightower@txwd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:25273433@txwd.uscourts.gov
Subject:Activity in Case 1:21-mj-00555-SH USA v. Mehafeff Waiver of Detention Hearing
Content-Type: text/html

U.S. District Court [LIVE]

Western District of Texas

Notice of Electronic Filing

The following transaction was entered on 7/15/2021 at 10:59 AM CDT and filed on 7/15/2021

Case Name: USA v. Mehafeff
Case Number: 1:21-mj-00555-SH
Filer: Dft No. 1 – Brannen Sage Mehafeff
Document Number: No document attached

Docket Text:

ORAL WAIVER of Detention/Bond Revocation Hearing by Brannen Sage Mehafeff (afd)

1:21-mj-00555-SH-1 Notice has been electronically mailed to:

Gabriel Aaron Cohen gabriel.cohen@usdoj.gov, LHoffman@usa.doj.gov, usatxw.ecfau@usdoj.gov

Horatio R. Aldredge Horatio_Aldredge@fd.org, elizabeth_khan@fd.org, txwau_ecf@fd.org

1:21-mj-00555-SH-1 Notice has been delivered by other means to:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

United States of America

vs.

(1) Brannen Sage Mehaffey

§
§
§
§
§
§
§
§

NO: AU:21-M -00555(1)

Charging District's

Case No. 2:20-cr-626-DWL

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the _____ District of Arizona, Phoenix Division.

The defendant may need an interpreter for this language: N/A.

The defendant: ☒ has retained an attorney - Arnold Spencer.

☐ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE

07/15/2021